

2-13. Inspections and Information Gathering

1. AUTHORITY. Pursuant to the Clean Water Act, the authority to:
 - a. Enter into, upon, or through any premises subject to the Clean Water Act, or in which records required to be maintained under the Clean Water Act are located; have access to and copy records; take samples; and inspect monitoring equipment and methods.
 - b. Require the owner or operator of any point source to establish and maintain records; to make reports; to install, use, and maintain monitoring equipment; to sample effluents; and to provide information.
 - c. Carry out or require the carrying out of any other inspection and information gathering activities authorized by the Clean Water Act.
 - d. Obtain and execute warrants for the purposes of performing an inspection or information gathering.
 - e. Designate representatives of the Administrator to perform the functions specified in subsections 1.a.-1.d.
2. TO WHOM DELEGATED.
 - a. The authorities in paragraph 1.a. are re-delegated to the following individuals within the Water Division: to the Director, to the Chief of the Water Enforcement and Compliance Assurance Branch, to the Section Chiefs within that Branch, and to enforcement staff within that Branch (except that they are not authorized to exercise these authorities pursuant to section 311 of the Clean Water Act). The authorities in paragraph 1.a. also are re-delegated to the following individuals in the Superfund Division: to (i) the Director, (ii) the Chiefs of Emergency Response Branches and the Enforcement & Compliance Assurance Branch, (iii) within the Emergency Response Branches, to the Chiefs and program staff of the Emergency Response Sections and the Field Services Section, and (iv) within the Enforcement & Compliance Assurance Branch, to the Chiefs and program staff of the Chemical Emergency Preparedness and Prevention Section and any Enforcement Services Section (who may exercise these authorities only with respect to actions authorized under section 311 of the Clean Water Act and under section 308 in conjunction with section 311 of the Clean Water Act). The authorities in paragraph 1.a. also are re-delegated to attorneys in the Office of Regional Counsel.

2-13 Inspection and Information Gathering (Cont'd)

- b. The authorities in paragraph 1.b are re-delegated to the Director of the Water Division (except that the Water Division Director may not exercise these authorities pursuant to section 311 of the Clean Water Act), to the Chiefs of Emergency Response Branches and the Enforcement & Compliance Assurance Branch in the Superfund Division (who may exercise these authorities only with respect to actions authorized under section 311 of the Clean Water Act and under section 308 in conjunction with section 311 of the Clean Water Act), and to the Regional Counsel.
- c. 1. The authorities in paragraph 1.c to carry out any other inspection and information gathering activities authorized by the Clean Water Act are re-delegated to the following individuals in the Water Division: to the Director, to the Chief, Water Enforcement and Compliance Assurance Branch, and to enforcement staff in the Water Enforcement and Compliance Assurance Branch (except that they are not authorized to exercise these authorities pursuant to section 311 of the Clean Water Act). The authorities in paragraph 1.c to carry out any other inspection and information activities authorized by the Clean Water Act also are re-delegated to the following individuals in the Superfund Division: to (i) the Director, (ii) the Chiefs of Emergency Response Branches and the Enforcement & Compliance Assurance Branch, (iii) within the Emergency Response Branches, to the Chiefs and program staff of the Emergency Response Sections and the Field Services Section, and (iv) within the Enforcement & Compliance Assurance Branch, to the Chiefs and program staff of the Chemical Emergency Preparedness and Prevention Section and any Enforcement Services Section (who may exercise these authorities only with respect to actions authorized under section 311 of the Clean Water Act and under section 308 in conjunction with section 311 of the Clean Water Act). The authorities in paragraph 1.c to carry out any other inspection and information gathering activities authorized by the Clean Water Act also are re-delegated to the Regional Counsel and to other attorneys in the Office of Regional Counsel.
2. The authorities in paragraph 1.c to require the carrying out of any other inspection and information gathering activities authorized by the Clean Water Act are re-delegated to the following individuals in the Water Division: to the Director, to the Chief, Water Enforcement and Compliance Assurance Branch (except that they are not authorized to exercise these authorities pursuant to section 311 of the Clean Water Act). The authorities in paragraph 1.c to require the carrying out of any other inspection and information gathering activities authorized by the Clean Water Act also are re-delegated to the following individuals in the Superfund Division:

2-13 Inspection and Information Gathering (Cont'd)

to the Director, to the Chiefs of the Emergency Response Branches and the Enforcement & Compliance Assurance Branch (who may exercise these authorities only with respect to actions authorized under section 311 of the Clean Water Act and under section 308 in conjunction with section 311 of the Clean Water Act). The authorities in paragraph 1.c to require the carrying out of any other inspection and information gathering activities authorized by the Clean Water Act also are re-delegated to the Regional Counsel.

- d. The authority in paragraph 1.d is re-delegated to the following individuals in the Water Division: to the Director, to the Chief, Water Enforcement and Compliance Assurance Branch, and to enforcement staff in the Water Enforcement and Compliance Assurance Branch (except that they are not authorized to exercise this authority pursuant to section 311 of the Clean Water Act). The authority in paragraph 1.d also is delegated to the following individuals in the Superfund Division: to the Director, to Chiefs of Emergency Response Branches and the Enforcement & Compliance Assurance Branch, to the Chiefs of the Emergency Response Sections and the Chemical and Emergency Preparedness Section, and to program staff of any Emergency Response Section and the Chemical and Emergency Preparedness Section (who may exercise this authority only with respect to actions authorized under section 311 of the Clean Water Act and under section 308 in conjunction with section 311 of the Clean Water Act). The authorities in paragraph 1.d also are delegated to the Regional Counsel and to other attorneys in Office of Regional Counsel.
- e. The authority in paragraph 1.e is re-delegated to the Director of the Water Division; the authority in paragraph 1.e is also re-delegated to the Director of the Superfund Division, and to the Chiefs of the Emergency Response Branches and the Enforcement & Compliance Assurance Branch in the Superfund Division (who may exercise this authority only with respect to actions authorized under section 311 of the Clean Water Act and under section 308 in conjunction with section 311 of the Clean Water Act), and to the Regional Counsel.
3. **LIMITATIONS.** Prior to obtaining a warrant, any person within the Water Division or the Superfund Division who has been delegated the authority contained in subsection 1.d must consult with the Regional Counsel or other attorney in the Office of Regional Counsel.

2-13 Inspection and Information Gathering (Cont'd)4. REDELEGATION AUTHORITY.

- a. Any person authorized to exercise the authorities in paragraph 1.a may re-delegate exercise of these authorities to an authorized contractor acting as a representative of the Administrator under the authority of Section 308 of the Clean Water Act.
- b. The authorities in paragraphs 1.b, 1.c and 1.f may be re-delegated by the delegated Division Directors to the Branch Chief Level for Branch Chiefs other than those mentioned in this delegation in those Divisions where such re-delegation is not effected by this delegation.

5. ADDITIONAL REFERENCES. Section 308 of the Clean Water Act, 33 U.S.C. § 1318 as amended by the Water Quality Act of 1987; section 311 of the Clean Water Act, 33 U.S.C. § 1321, as amended by the Oil Pollution Act of 1990; and regulations and guidance developed there under.